

## MEMORANDUM

TO: Mayor Craig Brown and Members of Council

CC: City Manager Office, Executive Leadership Team, City Attorney Office

FROM: Sally Bakko, Director of Policy and Governmental Relations

DATE: March 24, 2023

RE: Legislative Report: Austin and Washington Updates

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Please find below updates on legislative activities in Austin and Washington. (*To access links below, control+click on link.*)

### Austin Update

#### 88<sup>th</sup> Texas Legislature – Regular Session Key Dates

**March 10, 2023** – 60-Day Bill Filing Deadline

**May 8, 2023** – Last Day for House Committees to report House bills and House joint resolutions.

**May 12, 2023** – Last Day for House to consider House bills and House joint resolutions.

**May 20, 2023** – Last day for House committees to report Senate bills and Senate joint resolutions.

**May 29, 2023** – Adjournment Sine Die (140<sup>th</sup> day or 20 weeks)

#### Texas Legislature News Highlights

##### Galveston Legislative Requests Update

- **Meeting with Lt. Governor's Staff.** I met with Deb Mamula, Senior Policy Advisor, to Lt. Governor Dan Patrick and staff to discuss City legislative requests: 1) **SB 1394** to provide an exception for the credit score requirement when issuing anticipation notes or other debt for emergency finance due to a natural disaster (referred to the Senate Committee on Local Government); 2) **SB 2026** to add flexibility to the Texas General Land Office (GLO) Review and Approval of Dune Protection and Beach Access Plans and Amendments (referred to the Senate Committee on Natural Resources & Economic Development).
- **Galveston Legislative Requests - Meetings with Legislative Staff.** I continued meeting with legislative staff for House Committee on Pensions, Investments & Financial Services members to explain **HB 3097**, companion bill to SB 1394, and the City's intent with the bill. This past week I met with staff for Rep. Hubert Vo and Rep. Mihaela Plesa. In addition, I met with staff for Rep. Lina Ortega, member of the House Land & Resource Management Committee, to discuss the City's bill, **HB 3859**, companion bill to SB 2026.

##### Testimony before House Committee on Land & Resource Management – Hearing on March 22<sup>nd</sup>

- **H.B. 14 (Rep. Cody Harris)**, allowing for third party review of plats, plans, permits, and inspections under certain circumstances. **HB 866 (Rep. Tom Oliverson)** Relating to approval of certain land development applications by a municipality or county and use of third-party reviews under certain circumstances. The bills require municipalities to use third-party reviews and inspectors when the City does not approve, conditionally approve or disapprove plats, plans, and permits or conduct inspections within certain deadlines identified in the legislation. I provided oral testimony before the Committee on both bills (oral testimony attached). Rep. Oliverson released a committee substitute to

HB 866 that provides mechanisms for cities to mutually agree upon deadline extensions on deadlines that would allow the City to address concerns unique to Galveston without being forced into using third-party reviewers. For example, when a deadline can't be met due to beach construction permit review by the GLO. The committee took no action on the bills. Following the hearing, I met with the legislative director for Rep. Harris to discuss Galveston concerns. Rep. Harris's office is working on a committee substitute and is open to working with the City on Galveston concerns.

### **Legislative Action on Bills of Interest**

#### **Bills of interest referred to committee:**

- **[SB 2503 \(Alvarado\)](#)** Relating to the use of money in the Texas infrastructure resiliency fund to finance projects related to natural disaster relief. Referred to Senate Committee on Water, Agriculture, & Rural Affairs. No hearing is scheduled yet.
- **[SB 2337 \(Middleton\)](#)** Relating to an election to approve the issuance of bonds or other debt. Referred to the Senate Committee on Local Government.
- **[SB 2550 \(Middleton\)](#)** Relating to the line of vegetation following a meteorological event. Referred to the Senate Committee on Natural Resources & Economic Development. No hearing is scheduled yet.
- **[SB 2551 \(Middleton\)](#)** Relating to the use of appropriated money for nonprofit organizations advocating for governmental adoption of a policy of managed retreat. Referred to the Senate Finance Committee. No hearing is scheduled yet.
- **[SB 2556 \(Middleton\)](#)** Relating to the abolition of the Texas Windstorm Insurance Association and coverage for windstorm by certain insurers. Referred to the Senate Committee on Business & Commerce. No hearing is scheduled yet.

#### **Committee Action on bills of interest:**

- **House Committee on Ways & Means favorable reports committee substitute** to HB 2, and related HJR 1, imposing five (5) percent appraisal cap on all property.
- **House Committee Business & Industry favorably reports committee substitute to [H.B. 2468](#),** expanding workers compensation lifetime benefits for certain injuries sustained in the course of employment.
- **Senate Committee on State Affairs favorably reports, without amendments, [SB 1104](#)** relating to the authority of the legislature, governor, and certain political subdivisions with respect to disasters and emergencies.
- **Senate Committee on Water, Agriculture and Rural Affairs favorably reports committee substitute to SB 28,** creating the Texas Water Fund.
- **Senate Committee on Criminal Justice favorably reports committee substitute to SB 224,** increasing penalties and punishment for theft of a catalytic converter. The committee substitute combined provisions from SB 432, authored by Senator Mayes Middleton, and SB 465, authored by Senator Paul Bettencourt.

### **Texas Legislature Filed Bills of Interest (see attached Bills of Interest Filed memo)**

Attached is a memorandum providing summaries of bills that may be of interest to Galveston. The bills are organized in the following categories:

- Property Tax
- Sales Tax
- Public Safety
- Emergency Management
- Community and Economic Development
- Open Government
- Other Finance and Administration
- Personnel

- Elections
- Purchasing
- Transportation
- Utilities and Environment

## **Texas Legislature Committee Hearings Update**

### **Senate Committee on State Affairs – Hearing on March 27<sup>th</sup>**

The Committee will meet to consider several bills. The following is a bill of interest to Galveston:

- [\*\*SB 1446 \(Hughes\)\*\*](#) Relating to the fiduciary responsibility of the governing body of the public retirement systems in this state and the investment agents acting on behalf of those systems.

### **Senate Committee on Local Government – Hearing on March 27<sup>th</sup>**

The Committee will meet to consider several bills. The following is a bill of interest to Galveston:

- [\*\*S.B. 929 \(Parker\) – Nonconforming Use Compensation:\*\*](#) would require a city to provide written notice containing certain information regarding any proposed zoning change that could result in the creation of a nonconforming use. If a nonconforming use is required by a city to cease operation, the owner or lessee of the property is entitled to receive either payment for costs associated with closing the operation or additional time to engage in the nonconforming use.

### **House Committee on Natural Resources – Hearing on March 28<sup>th</sup>**

The Committee will meet to consider several bills. Of possible interest to Galveston could be:

- [\*\*HB 2416 \(Paul\)\*\*](#) Creates the Gulf Coast Protection Trust Fund to be administered by the Texas General Land Office and only for expenditures for the development of infrastructure for protection of the Gulf Coast within the Gulf Coast Protection District (GCPD) jurisdiction.

### **House Committee on Criminal Jurisprudence – Hearing on March 28<sup>th</sup>**

The Committee will meet to consider several bills. The following is a bill of interest to Galveston:

- [\*\*HB 1709 \(Canales\)\*\*](#) Relating to a special bill of review to reform a final judgment of forfeiture of a bail bond.
- [\*\*HB 1784 \(Landgraf\)\*\*](#) Relating to certain requirements of protective orders and conditions of release on bond and to the criminal penalties for violating those requirements and conditions.

### **House Committee on Homeland Security & Public Safety – Hearing on March 28<sup>th</sup>**

The Committee will meet to consider several bills. The following is a bill of interest to Galveston:

- [\*\*HB 3647 \(Guillen\)\*\*](#) Relating to the imposition by the Department of Public Safety of administrative and civil consequences for certain criminal convictions.
- [\*\*HB 4528 \(Wilson\)\*\*](#) Relating to the requirement that a peace officer take possession of a person's driver's license following the person's failure to pass or refusal to consent to a test for intoxication.

### **House Committee on Urban Affairs – Hearing on March 28<sup>th</sup>**

The Committee will meet to consider several bills. Of possible interest to Galveston could be:

- [\*\*HB 2455 \(King, Tracy O.\)\*\*](#) Relating to an annual occupational medical examination for fire fighters.
- [\*\*HB 3568 \(Gates\)\*\*](#) Relating to certain public facilities used to provide affordable housing.
- [\*\*HB 4073 \(Lozano\)\*\*](#) Relating to the renewal of certain expired certificates issued by the Texas Commission on Fire Protection; authorizing a fee.

### **House Committee on Land Management – Hearing on March 29<sup>th</sup>**

The Committee will meet to consider several bills. The following is a bill of interest to Galveston:

[\*\*HB 2198 \(Hefner\)\*\*](#) Relating to building height restrictions in certain municipalities.

[\*\*HB 2367 \(Lozano\)\*\*](#) Relating to the regulation of residential amenity rentals by a political subdivision; authorizing a fee; authorizing a civil penalty.

[\*\*H.B. 2789 \(Holland\)\*\*](#) Relating to accessory dwelling units (ADU) by allowing ADUs in a single-family zoning or un-zoned areas by right, and prohibit much of a city's ability to regulate an ADU.

[\*\*HB 3492 \(Stucky\)\*\*](#) Relating to county and municipal authority to impose certain value-based fees and require disclosure of certain information related to subdivision construction.

[\*\*HB 3826 \(Toth\)\*\*](#) Relating to the time for the issuance of municipal building permits.

#### **House Committee on State Affairs – Hearing on March 29<sup>th</sup>**

The Committee will meet to consider several bills. The following is a bill of interest to Galveston:

- [\*\*HB 2265 \(Leach\)\*\*](#) Relating to the award of compensatory damages caused by certain delays under governmental construction contracts.
- [\*\*HB 4559 \(Darby\)\*\*](#) Relating to the application of statutes that classify political subdivisions according to population. The bill is designed to update city population categories that are written into law by adjusting the population categories by considering new census figures.

#### **House Committee on Licensing & Administrative Procedures – Hearing on March 29<sup>th</sup>**

The Committee will meet to consider several bills. The following bill is of interest to Galveston:

- [\*\*HB 115 \(Ortega\)\*\*](#) Relating to the offense of public consumption of alcoholic beverages during certain hours.
- [\*\*HB 3746 \(Goldman\)\*\*](#) Relating to the repeal of registration and other regulatory provisions applicable to code enforcement officers and sanitarians.

#### **House Committee on Transportation – Hearing on March 29<sup>th</sup>**

The Committee will meet to consider several bills. The following bill is of interest to Galveston:

- [\*\*HB 2341 \(Guillen\)\*\*](#) Relating to procedures governing a regional mobility authority in relation to certain federal public transportation funding.
- [\*\*H.B. 2806 \(Canales\)\*\*](#) – **Outdoor Signs:** would, among other things, allow billboards to relocate in certain areas if the billboard use is discontinued due to a public construction project and require a city to provide for the relocation by a special exception to any applicable zoning ordinance.
- [\*\*HJR 144 \(Canales\)\*\*](#) Proposing a constitutional amendment authorizing the use of money in the state highway fund for roadways for seaports, airports, spaceports, land ports of entry, and international bridges.

#### **House Committee on Judiciary and Civil Jurisprudence – Hearing on March 29<sup>th</sup>**

The Committee will meet to consider several bills. The following bill is of interest to Galveston:

[\*\*HB 2266 \(Leach\)\*\*](#) Relating to judicial review of certain local laws applicable to state license holders.

## **Washington Update**

### **Fiscal Year 2024 Federal Budget Update**

Last week the Senate Appropriations Committee [released](#) a tentative appropriations subcommittee hearing calendar. The list is not final as hearings can change and additional hearings may be announced. Under the tentative calendar, the first hearing, for the Legislative Branch subcommittee, is scheduled for March 15 and the last hearing, for the Defense subcommittee, is scheduled for June 6.

The City of Galveston submitted to Congressman Randy Weber the following Community Project Funding Requests for eligible program funds to be considered by the appropriate subcommittees listed below:

- **House Appropriations Subcommittee on Homeland Security**  
**Priority 1** - \$10,000,000 - First Responder Dual Use Hurricane Safe Room  
**Priority 3** - \$10,000,000 - 20<sup>th</sup> Street Storm Drain System Improvements (East Strand Area)
- **House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies**  
**Priority 2** - \$1,140,000 - Modern Policing – Building Trust Through Technological Transparency Project  
**Priority 4** - \$579,000 - Police Video Surveillance Systems Replacement Project  
**Priority 6** - \$35,547 - License Plate Readers for a Safer Community Initiative
- **House Appropriations Subcommittee Transportation, Housing and Urban Development**  
**Priority 5** - \$1,602,000 - Phase 2 - Taxiway E relocation, taxiway reconfiguration at Runway 18 and 14

### **FEMA Accepting Revolving Loan Fund Applications for Hazard Mitigation Assistance**

The Federal Emergency Management Agency (FEMA) is currently [accepting](#) applications for the Safeguarding Tomorrow Revolving Loan Fund grant program. The program has been expanded to give insular areas and 20 federally recognized Tribal nations the same eligibility to apply as states, the District of Columbia, and Puerto Rico. Insular areas, as defined by the STORM Act, are American Samoa, Guam, Northern Mariana Islands, and U.S. Virgin Islands. [Applications](#) must be received by 3pm ET on April 28. Additional program information can be found [here](#).

### **Reports of Interest**



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